IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.50527 of 2006
LAL BAHADUR MANJHI
Versus
THE STATE OF BIHAR & ORS
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17. 29.8.2008 This application has been filed for cancellation of bail granted by the CJM, Saran vide order dated 1.11.2004 in Hajipur Harizan P. S. Case No. 24 of 2004.

It appears from the record that this is a case under Sections 341/323/325/452/379/427/504/34 of the I.P.C. and Section 3(1) (x) of the SC/ST Act. learned CJM vide impugned order granted bail to the opposite parties. Against that the petitioner moved for cancellation of bail before learned Sessions Judge, Saran at Chapra. Learned sessions judge also refused to interfere in the order granting bail.

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In course of submission learned counsel for the petitioner urged that in a case registered under the provisions of S.C. /S.T. Act which is triable by the court of sessions, judicial magistrate has no power to grant bail under Section 437 Cr.P.C.. The further submission is that one of the victims received fracture injury on hand and

therefore; section 307 I.P.C. is also applicable in this case which is triable by the court of sessions.

Considered the submissions of learned counsel for the petitioner and also perused the impugned orders.

So far the power of the magistrate to grant bail in a case registered under the provisions of S.C./S.T. Act is concerned I find no such bar in Section 437 Cr.P.C.. It only prohibits granting bail by the magistrate in case which is punishable with death or imprisonment for life. Provisions of SC/ST Act is not punishable with life imprisonment or death. The present case has not been registered under Section 307 I.P.C. The case has been registered under section 325 I.P.C. along with other sections. Section 325 I.P.C. is bailable.

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Thus having regard to the facts and circumstances of the case, I am not inclined to interfere in the impugned. Accordingly, this application is rejected.

kanchan **(Ghanshyam Prasad, J.)**